

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 6, 2014**

A Regular Meeting of the Deltona City Commission was held on Monday, October 6, 2014 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Present
Commissioner	Anthony Bellizio	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
Acting City Manager	Dale Baker	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Planning and Development Services Director Chris Bowley; Acting Deputy City Manager Gerald Chancellor; Fire Chief Mark Rhame; Parks and Recreation Director Steve Moore; and VCSO Captain Dave Brannon.

3. INVOCATION AND PLEDGE TO THE FLAG:

Silent Invocation Presented by Commissioner Barnaby – Pastor William Bradley, Jr., New Hope Baptist Church.

The National Anthem was sung by Mia Gomez.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of September 15, 2014.

Motion by Vice Mayor Herzberg, seconded by Commissioner Denizac to approve the minutes of the Regular City Commission Meeting of September 15, 2014.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Additions or Deletions to Agenda:

Acting City Manager requested to table Item 8-A and Item 8-B, at the applicant's request and the Commission concurred.

Commissioner Denizac stated she read in the agenda packet that the applicant pulled its request pending a study in the Saxon Blvd. area and she asked if there is a time frame. Acting City Manager Dale Baker replied there is no timeframe; staff is going to look at how to look at that whole area because the single family homes are not large enough to do anything with and how to deal with that, the Planning and Zoning Board recommended denying the application and staff will look at different options that might benefit the applicant.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Super Star Student of the Month Certificates for August/September, 2014.

Mayor Masiarczyk and the Commission presented Certificates of Recognition to the Super Star Students for the months of August and September, 2014.

B. Proclamation – Deltona Professional Fire Fighters Local 2913 Fire Fighter Appreciation Day – October 6, 2014.

Mayor Masiarczyk and the Commission presented a Proclamation to Deltona Professional Fire Fighters Local 2913 in recognition of Fire Fighter Appreciation Day, October 6, 2014.

C. Proclamation – Domestic Violence Awareness Month – October, 2014.

Deputy City Clerk read into the record a Proclamation in recognition of Domestic Violence Awareness Month, October, 2014 and Mayor Masiarczyk stated the Proclamation will be forwarded to the National Chapter for Domestic Violence.

D. Presentation by Deltona's Lobbyist.

Kirk Pepper and Dean Cannon with Capital Insight gave a brief presentation on the 2014 Legislative Update which included Deltona defensive priorities, offensive priorities, short-term goals, long-term goals, outlook for 2014-15, 2014 political overview, and 2015 session planning process.

E. Presentation by the Volusia Manufacturer's Association (VMA) on the status of manufacturing in Volusia County.

Mrs. Jayne C. Fifer, CAE, President/CEO for VMA, Elisha Bethany, President of Universal Packaging & Manufacturing Sales Corp stated October is Manufacturing Month and she gave a brief presentation which included universal packaging, Thompson Pumps, Costa Sunglasses, Florida Production Engineering, Fox Mattress, Performance Designs, Silversphere, boats, manufacturing facts, spreading the word, and what VMA is. She introduced Mrs. Jayne C. Fifer, CAE, President/CEO for VMA at the request of Mayor Masiarczyk.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

a) Bob Garcia, 101 Sunrise Blvd., Debarry, stated to look at Deltona's future, going after every penny possible, set a vision with a plan and direction, Deltona not taking its proper place, letting Deltona's voice be heard, educational opportunities, mandates without proper funding, water and septic tank issues, forming partnerships with other cities and organizations, being confronted with regional

1 issues, working with the State, mandates shifting the burden down to the cities, marketing Deltona,
2 future funding mechanism and is what is being done, being done for the best interest of the City by
3 putting the people first.

4
5 b) Robert Hewitt, 919 Loren Drive, stated there is a feral cat issue, people feeding cats, and
6 breeding of cats throughout Deltona.

7
8 Commissioner Denizac asked who told him to attend the meeting regarding this issue and Mr. Hewitt
9 replied two (2) Code Officers, but he did not know their names.

10
11 c) Edyie McCormick, 1330 Fawn Avenue, stated there is a feral cat issue, cats spraying, cats
12 screaming, feeding of cats, breeding of cats, and those feeding the cats needing to take ownership of
13 them.

14
15 d) Deborah Suitt-Green, 1531 Toluca Court, stated the American Association of Retired Persons
16 (AARP) is promoting boomers to come to the area, looking at internal workings and the in-fighting
17 stopping the area from reaching its goals, having a diverse community which needs proper
18 representation, property maintenance and developers coming into the City, the City needing curb
19 appeal, Fason Circle being used as a race track, the need for a Mayoral debate with actual resumes and
20 having the City Manager required to live in the City limits.

21
22 e) Michael Williams, 2889 Cottageville Street, stated National Association for the Advancement
23 of Colored People (NAACP) on October 4th from 6:30 – 8:30 p.m. at New Hope Baptist Church meet
24 the candidate forum and getting a 99% return on that event, getting questions from around the
25 community, and the event being a controlled question environment. On January 17, 2015 for the Martin
26 Luther King Celebration the guest speaker will be Donald L. Brown who attended law school with
27 President Barack Obama and First Lady Michelle Obama and Mr. Brown saw the Dream Keepers
28 website and reached out to be the speaker for the event.

29
30 Mayor Masiarczyk called a recess at 7:42 p.m. and reconvened at 7:46 p.m.

31
32 f) Kurt Vroman, 166 Wildwood Drive, read an e-mail from a department head to a City vendor
33 that he found very concerning “Jeff, the Commission folded at the 11th hour. We now have a status quo
34 plus, plus contract. Steve, you’ll be able to continue to quote that Deltona has the worst contract in the
35 State from a management perspective.” He stated that in his opinion the e-mail is conduct unbecoming
36 of a department head, if he were a Commissioner he would direct the Acting City Manager to fire the
37 department head and that if he did not he would fire him. He stated the department head has slandered
38 the Commission, told one (1) of the vendors to “continue” to quote “that Deltona has the worst contract
39 in the State from a management perspective” and in his opinion he is basically saying go out talk bad
40 about the organization that employs and pays my bills. He stated to have a department head that is
41 making close to or if not six (6) figures or more to tell two (2) vendors this, he believes immediate
42 action should be taken and he handed the e-mail over to the City Clerk for the record.

43
44 Mayor Masiarczyk thanked Mr. Vroman for bringing the e-mail to the Commission’s attention; it needs
45 to be distributed to all the members of the Commission and the Commission’s contact should be with
46 the Acting City Manager who handles employee issues.

47
48 Commissioner Barnaby stated he finds the allegations very troubling, this being the first time it has

1 come to his attention, he is grateful it happened in the sunshine and he asked the name of the
2 department head who wrote the e-mail and Mr. Vroman replied "Tom Acquaro, the HR Director."

3
4 Mayor Masiarczyk stated to allow the Acting City Manager will research the information and then have
5 a conversation with the Commission as to the outcome. The Commission does not get involved with
6 City employee matters except on policy and he thinks the Commission is going down a dangerous road
7 if it discusses the matter any further.

8
9 Commissioner Barnaby asked if everyone was hearing about the e-mail for the first time and
10 Commissioner Nabicht replied "No, he had heard it before." Commissioner Barnaby continued to state
11 he hoped to get to the bottom of the issue because the City has a systemic problem and he hoped the
12 Acting City Manager would get all of the facts and straighten out the problem.

13
14 Commissioner Denizac stated before she leaves the meeting she would like to have a copy of the e-
15 mails and she explained the reason why.

16
17 Commissioner Nabicht stated Mr. Vroman did speak to him about the e-mail, he suggested that Mr.
18 Vroman contact the Acting City Manager and forward the information to him, and the Commission
19 would receive the information via the Acting City Manager. He stated as a current Commissioner he
20 will not tolerate this type of behavior by a department head talking about the Commission and decisions
21 it makes and he wanted to make that very clear to Acting City Manager, Dale Baker and Commissioner
22 Denizac replied "me neither." Commissioner Nabicht continued to state he expects an immediate
23 investigation by the Acting City Manager's office with a full report to the Commission and swift action
24 accordingly.

25
26 Mayor Masiarczyk called for a recess at 7:55 p.m. and reconvened at 8:04 p.m.

27
28 Mayor Masiarczyk asked if all the Commission had an opportunity to view the e-mail that was
29 presented and that the suggestion by Commissioner Nabicht was to have staff investigate and take
30 appropriate action if necessary and the Commission concurred.

31
32 Commissioner Denizac stated as far as she was concerned, everything is in black and white and it is
33 crystal clear there is not much of an investigation to be done.

34
35 Commissioner Bellizio stated there needs to be an investigation done and the Commission cannot jump
36 to any sort of conclusion.

37
38 Mayor Masiarczyk stated the Acting City Manager is the person that deals with employee matters, it is
39 outside of the realm of the Commission's duties to do that so the needs to turn the matter over to him for
40 action. Okay, moving on, ah, that was the end of the public forum, ah, we're going to go into Consent
41 Agenda and hopefully move forward.

42
43 **7. CONSENT AGENDA:**

44
45 Vice Mayor Herzberg asked to pull Consent Agenda Item 7-A.

46
47 **Motion by Commissioner Nabicht, seconded by Commissioner Denizac to approve Items 7-B, 7-C**
48 **and 7-D.**

1
2 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
3 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
4 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**
5

6 **A. Request for approval of the Long Term Facility Use Agreement with the Boys & Girls**
7 **Club of Volusia/Flagler Counties.**
8

9 Vice Mayor Herzberg stated she wanted to say a few words about the Boys & Girls Club of which
10 she is a board member. In March, 2014, D. James was named the 2014 Professional of the Year and
11 Shane Smith was named 2014 Youth of the Year, both from the Harris Saxon Boys & Girls Club.
12 She spoke about a young man from Pine Ridge High School who was in the Reserve Officer
13 Training Corps (ROTC) program which he excelled in that needed \$350 to continue with the
14 program and several board members from all sides (elected officials, private corporation
15 representatives, etc.) opened their wallets to provide checks to him so he was able to do so. The club
16 services 258 members, 94% of the members receive free lunch in school, it is a needed organization,
17 how proud she is to be a member, which \$530 dollars in membership fees were collected by the
18 families which are .0042% of the budget and she thanked them for what the organization does for the
19 youth of City.
20

21 Commissioner Denizac stated this is any example of what Deltona does to help the youth, she too is
22 proud of the organization, the organization helps the youth that is at risk and what the City does to
23 subsidize the program is an investment in the City's youth.
24

25 **Motion by Commissioner Denizac, seconded by Vice Mayor Herzberg to approve the Long**
26 **Term Facility Use Agreement with the Boys & Girls Club of Volusia/Flagler Counties for use**
27 **of the Harris M. Saxon Park facility for a period of one (1) year, with the option for a total of**
28 **three (3) one-year renewals upon written agreement of both parties.**
29

30 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
31 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
32 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**
33

34 ***B. Request for approval of the Long Term Facility Use Agreement for Deltona Lodge 756.**
35

36 **Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with**
37 **Deltona Lodge 756 for use of the Little Red Schoolhouse facility at the Deltona Community**
38 **Center for a period of one (1) year, with the option for a total of three (3) one-year renewals**
39 **upon written agreement of both parties.**
40

41 ***C. Request for approval of the Long Term Facility Use Agreement for La Iglesia del**
42 **Senor, Inc., for use of the Deltona Community Center.**
43

44 **Approved by Consent Agenda - to approve the Long Term Facility Use Agreement with La**
45 **Iglesia del Senor, Inc., for use of the Main Hall and Kelso Room at the Deltona Community**
46 **Center facility for a period of one (1) year, with the option for a total of three (3) one-year**
47 **renewals upon written agreement of both parties.**
48

***D. Request for approval of selection of underwriters for issuance of the Utility System Revenue Bonds, Series 2014.**

Approved by Consent Agenda - to approve award and enter into agreements with Raymond James as Senior Managing Underwriter and Bank of America/Merrill Lynch as Co-Managing Underwriter for the Utility System Revenue Bonds, Series 2014.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2014-22, Conditional Use Application (CU 14-004) for the site located at 1948 Saxon Boulevard.

Item was tabled by the Acting City Manager, at the applicant's request.

B. Public Hearing - Resolution No. 2014-24, Variance Application (VR 14-001) for the site located at 1948 Saxon Boulevard.

Item was tabled by the Acting City Manager, at the applicant's request.

C. Public Hearing - Resolution No. 2014-29, East Coast Dragon Tattoo Conditional Use Application (CU 14-005).

Planning & Development Assistant Director Ron Paradise gave a brief explanation of the area, the zoning being C-2 (General Commercial), and staff recommending approval with the condition to limit the hours of operation from 10:00 a.m. – 10:00 p.m., not allowing neon signs, and the applicant must abide by all other sign regulations.

The Commission and staff discussed the reason for not allowing neon signs, the sign regulations limiting neon signs, the hours of operation, other businesses in the plaza and their hours of operation, staff looked into the types of crimes in the area, if a tattoo parlor has ever been allowed in the City limits before, Chapter 102 of the City's Code limiting the square footage of neon signs, staff suggesting to omit the condition regarding the neon sign, staff over regulating or requiring conditions for certain businesses, and no other business in the City having its hours regulated.

Motion by Commissioner Nabicht, seconded by Commissioner Barnaby to approve Resolution 2014-29 (CU 14-005), a Conditional Use to allow the East Coast Tattoo parlor to be located within the Deltona Square Plaza at 577 Deltona Boulevard, subject to the conditions one (1) and two (2) being removed within this resolution.

Mayor Masiarczyk read the title of Resolution No. 2014-29.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; GRANTING A CONDITIONAL USE TO PERMIT A TATTOO PARLOR WITHIN THE C-2, GENERAL COMMERCIAL, ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 577 DELTONA BOULEVARD; WITHIN THE CITY OF DELTONA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Masiarczyk opened the public hearing.

Terri Maxwell, 1627 Montecito Drive, thanked Commissioner Nabicht for his motion, he is looking at Deltona as a future location for a business, not tying a business to certain hours, and that neon signs can be purchased everywhere.

Mayor Masiarczyk closed the public hearing.

Motion carried with members voting as follows:

Commissioner Barnaby	For
Commissioner Bellizio	For
Commissioner Denizac	For
Commissioner Nabicht	For
Commissioner Schleicher	Against
Vice Mayor Herzberg	For
Mayor Masiarczyk	For.

Resolution No. 2014-29 was adopted at 8:23 p.m.

D. Public Hearing - Ordinance No. 10-2014, Medical Marijuana, at first reading and to schedule second and final reading for October 20, 2014.

Commissioner Barnaby stated on Page 6, Separation Distances, it states 500 feet from any school, but it does not stipulate “churches or houses of worship” as he discussed in the workshop and he also has a problem with distance. City Attorney Becky Vose replied when she drafted the ordinance was done in a different way and then at the workshop there were specific requests to remove the part about distance from churches. She stated she believes once the State Statute gets finalized it will require a distance from churches which means it would apply to the City anyway, but she was instructed at the workshop to remove the distance requirement.

The Commission discussed what was talked about at the workshop relating to the distance requirement, leasing space that would provide the medical grade marijuana and limiting the distance within churches and/or houses of worship, the ordinance being incomplete, and adding a stipulation in the ordinance to be 5 miles or 500 feet or 5,000 feet from schools, churches or houses of worships were children are present.

Mr. Vose stated she can add whatever the majority of the Commission directs.

The Commission discussed adding 500 feet to any “free” standing church or house of worship, the Commission looking at being proactive as it relates to this ordinance, going to the State’s website to research the issue, limiting the hours of operation or when the medical marijuana can be sold, the legislation being flawed, trying to regulate a business that is being authorized by the State, not regulating pharmacies where other drugs are sold, looking at the ordinance after the law passes and making changes then, the comments made at the workshop by the public, having a 2,500 foot distance requirement from a church or house of worship would not work for a strip plaza, getting ahead of Amendment #2 by trying to have guidelines, the State only having five (5) medical marijuana dispensaries, control coming from the State and State law superseding the City’s regulations, and the ordinance being the frame work.

Motion by Commissioner Schleicher, seconded by Commissioner Nabicht to approve Ordinance No. 10-2014, at first reading and to schedule second and final reading for October 20, 2014.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

City Attorney Becky Vose read the title of Ordinance No. 10-2014.

AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF DELTONA, FLORIDA, CREATING A NEW ARTICLE XIV, "MEDICAL MARIJUANA DISPENSARIES"; TO ALLOW MEDICAL MARIJUANA DISPENSARIES AS A CONDITIONAL USE IN THE C-1, C-2 AND C-3 ZONING CATEGORIES; BY SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Motion carried with members voting as follows:

Commissioner Barnaby	Against
Commissioner Bellizio	For
Commissioner Denizac	Against
Commissioner Nabicht	For
Commissioner Schleicher	For
Vice Mayor Herzberg	For
Mayor Masiarczyk	For

Ordinance No. 10-2014 was adopted at 8:43 p.m.

E. Public Hearing - Ordinance No. 24-2014, to amend alarm ordinance to include false fire alarms, at second and final reading.

Mayor Masiarczyk passed the gavel to the Vice Mayor Herzberg at 8:45 p.m. and left the meeting.

Vice Mayor Herzberg opened and closed the public hearing as there were no public comments.

Motion by Commissioner Schleicher, seconded by Commissioner Denizac to approve Ordinance No. 24-2014, at second and final reading.

City Attorney Becky Vose read the title of Ordinance No. 24-2014.

AN ORDINANCE AMENDING DIVISION 2 OF CHAPTER 34, "EMERGENCY SERVICES" OF THE CODE OF THE CITY OF DELTONA, FLORIDA, ADDING FIRE ALARMS TO REGULATIONS GOVERNING OTHER EMERGENCY SERVICE ALARMS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Vice Mayor Herzberg called for a recess at 8:46 p.m. and Mayor Masiarczyk reconvened the meeting at

1 8:50 p.m.

2
3 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
4 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
5 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

6
7 Ordinance No. 24-2014 was adopted at 8:51 p.m.

8
9 **F. Public Hearing - Ordinance No. 25-2014, Sales of Food on House of Worship Property,**
10 **at second and final reading.**

11
12 **Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg unanimously to approve**
13 **Ordinance No. 25-2014, at second and final reading.**

14
15 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

16
17 City Attorney Becky Vose read the title of Ordinance No. 25-2014.

18
19 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING ARTICLE VI,**
20 **“STREET VENDORS”, OF CHAPTER 22 “BUSINESSES”, OF THE CODE OF THE CITY**
21 **OF DELTONA, MAKING AN EXCEPTION FOR FOOD SALES ON HOUSE OF WORSHIP**
22 **PROPERTY UNDER CERTAIN CONDITIONS; PROVIDING FOR ISSUANCE OF**
23 **PERMITS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND**
24 **FOR AN EFFECTIVE DATE.**

25
26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
27 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
28 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

29
30 Ordinance No. 25-2014 was adopted at 8:52 p.m.

31
32 Mayor Masiarczyk stated that a question arose where the City is allowing one (1) vendor at a church
33 and from what he understands this does not affect special events and Mrs. Vose replied “no.”

34
35 **G. Public Hearing - Ordinance No. 26-2014, Residential Prison Diversion Program, at first**
36 **reading and to schedule second and final reading for October 20, 2014.**

37
38 The Commission and staff discussed the level of offense and it being up to the judge for the people the
39 ordinance pertains to, the intent of the program, houses being turned into “mini prisons”, the purpose of
40 the ordinance being to keep this type of program out of residential areas, staff not having any experience
41 dealing with this type of program, if it would be better to incorporate this specific type of use within the
42 zoning ordinance, and the City Attorney explained how she found out about the program, the ordinance
43 being a copy of one that was passed by the City of Bunnell and the ordinance has worked in court.

44
45 Commissioner Barnaby asked if there were any houses in Deltona that housed inmates and Captain
46 Brannon replied none that he is aware of.

47

Motion by Vice Mayor Herzberg, seconded by Commissioner Schleicher to approve Ordinance No. 26-2014, the Residential Prison Diversion Program on first reading and to schedule second and final reading for October 20, 2014.

Mayor Masiarczyk opened the public hearing.

Bill Maxwell, 1671 Montecito Drive, stated the ordinance pertains to “criminals”, not wanting criminals in his neighborhood, criminals not abiding by rules, criminals being perpetual and not able to be reformed, there being ways to stop the program by the number of people and the number of bathrooms in a home and he asked the Commission to reconsider passing the ordinance.

Commissioner Bellizio asked if someone finds a loop hole in the zoning would another safe guard be required or is there another safe guard the City has and Mrs. Vose replied it would be very difficult for someone to find one of these commercially zoned properties in Deltona because it is so heavily zoned residential and that would comply with the distance requirements.

Sylvia Barnaby, 2242 E. Fairbanks Drive stated she does not want this type of element in commercial or residential areas of Deltona.

Terri Maxwell, 1671 Montecito Drive, stated she understands what the Commission is trying to do, the City having a lot to offer, but if there is a loop hole it will be utilized and needing to look at a solid reason for not allowing this type of business in the City.

Mayor Masiarczyk closed the public hearing.

Commissioner Denizac asked if the City could say this type of business is “absolutely not” allowed in the City and Mrs. Vose replied probably not, this will make it easier for the business to go elsewhere.

City Attorney Becky Vose read the title of Ordinance No. 26-2014.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA AMENDING THE DELTONA CODE OF ORDINANCES BY THE CREATION OF CHAPTER 99, RESIDENTIAL PRISON DIVERSION PROGRAMS; PROVIDING REGULATIONS FOR THE LOCATION AND OPERATION OF RESIDENTIAL PRISON DIVERSION PROGRAMS; PROVIDING REQUIREMENTS FOR ISSUANCE OF A RESIDENTIAL PRISON DIVERSION PROGRAM REGULATORY LICENSE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Ordinance No. 26-2014 was adopted at 9:13 p.m.

H. Public Hearing - Ordinance No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to Shed Design Standards; at first reading and to schedule second and final reading for October 20, 2014.

1 Mayor Masiarczyk suggested not to exceed 15 feet and Mr. Bowley replied it is addressed in the
2 ordinance.

3
4 Mayor Masiarczyk opened and closed public hearing as there were no public comments.
5

6 **Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to approve Ordinance**
7 **No. 27-2014, an amendment to Section 110-827, Accessory Uses and Structures, pertaining to**
8 **shed design standards; at first reading and to schedule second and final reading for October**
9 **20, 2014.**

10
11 City Attorney Becky Vose read the title of Ordinance No. 27-2014.
12

13 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SUBSECTION**
14 **(C), DESIGN STANDARDS, OF SECTION 110-827, ACCESSORY USES AND**
15 **STRUCTURES, OF ARTICLE VIII, SUPPLEMENTARY REGULATIONS, OF CHAPTER**
16 **110, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA,**
17 **AMENDING THE DESIGN STANDARDS FOR SHEDS; PROVIDING FOR**
18 **CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**
19

20 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
21 **Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;**
22 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**
23

24 Ordinance No. 27-2014 was adopted at 9:16 p.m.
25

26 **I. Ordinance No. 28-2014; Repealing Business Tax Receipt for Rental Properties, at**
27 **second and final reading.**
28

29 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to approve**
30 **Ordinance No. 28-2014 at second and final reading.**
31

32 Mayor Masiarczyk opened the public hearing.
33

34 Steve Goldhersh, 7769 Snowberry Circle, Orlando, stated pays a higher tax rate than homesteaded
35 individuals, donating money to library and YMCA, stopped donations and buying property because of
36 this ordinance, he encouraged the Commission to look at before and after pictures of property he has
37 invested in, bringing jobs to the City, the fee only being \$20 and that the fees would need to be passed
38 onto the tenants, the City's fees not being competitive, the Commission not serving the needs of the
39 community and he asked how he would be notified of the changes.
40

41 Acting City Manager Dale Baker stated notices are being prepared now and there being an extension
42 provided.
43

44 Vice Mayor Herzberg explained why Mr. Goldhersh was speaking under this item.
45

46 Mayor Masiarczyk closed the public hearing as there were no public comments.
47

Motion by Commissioner Schleicher, seconded by Commissioner Bellizio to approve Ordinance No. 28-2014 at second and final reading.

City Attorney Becky Vose read the title of Ordinance No. 28-2014.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, REPEALING ARTICLE VIII, "RENTAL PROPERTIES" OF CHAPTER 22, "BUSINESSES", OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA, REPEALING THE REQUIREMENT FOR BUSINESS TAX RECEIPT FOR RENTAL PROPERTIES; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Motion carried with members voting as follows:

Commissioner Barnaby	Against
Commissioner Bellizio	For
Commissioner Denizac	Against
Commissioner Nabicht	For
Commissioner Schleicher	For
Vice Mayor Herzberg	For
Mayor Masiarczyk	For

Ordinance No. 28-2014 was adopted at 9:25 p.m.

Mayor Masiarczyk stated due to some confusion, he will allow the public to speak on Ordinance No. 11-2014 regarding the rental regulation fee that is not on this agenda.

Don Hutchins, Hutchins Realty, stated he was surprised this ordinance was not more noticed, he explained how he found out about the \$20 rental regulation fee changing to \$50.00, the rental inspector delaying the renting of property.

Vice Mayor Herzberg requested to re-visit the Ordinance regarding the rental regulation No. 11-2014, assured all advertising being done legally and whether it is enough and that the fee is to register a home.

The Commission discussed the fee and the delay in the notices, some Commissioners wanting to re-visit the ordinance, the people who spoke not being the issue, owners coming back and turning their homes into rental properties, and adding an exception that provides for responsible landlords who have not had code compliance issues.

The Commission concurred to re-visit Ordinance No. 11-2014 at the next workshop.

J. Resolution No. 2014-32, Transportation Impact Fees Amendment.

Commissioner Denizac asked if the City is just adding several items and Mr. Bowley replied Yes that in 2007 the City had a citywide impact study done and in doing so the City addressed fees for certain land uses but not for all land uses so this completes those missing land uses.

Mayor Masiarczyk asked what impact fees are being charged currently and Mr. Bowley replied there were three moratoriums in succession, the last one expired March, 2014 and we are just adding the ones that were left out.

Commissioner Denizac stated this is adding and not eliminating fees.

Motion by Vice Mayor Herzberg, seconded by Commissioner Nabicht to approve Resolution No. 2014-32 amending the Transportation Impact Fees.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Mayor Masiarczyk read the title of Resolution No. 2014-32.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING APPENDIX A, "FEE SCHEDULE", SECTION ENTITLED "CHAPTER 94, IMPACT FEES" OF THE DELTONA CODE OF ORDINANCES, BY ADDING CERTAIN FEES TO "TABLE 94-2, TRANSPORTATION IMPACT FEES"; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion carried with members voting as follows:

Commissioner Barnaby	Against
Commissioner Bellizio	For
Commissioner Denizac	For
Commissioner Nabicht	For
Commissioner Schleicher	For
Vice Mayor Herzberg	For
Mayor Masiarczyk	For

Resolution No. 2014-32 was adopted at 9:40 p.m.

K. Resolution No. 2014-33, appoint the Affordable Housing Advisory Committee through the requirements of the State Housing Initiative Partnership Program.

Motion by Vice Mayor Herzberg, seconded by Commissioner Bellizio to approve Resolution No. 2014-33, to appoint the Affordable Housing Advisory Committee through the requirements of the State Housing Initiative Partnership Program.

Mayor Masiarczyk read the title of Resolution No. 2014-33.

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, APPOINTING MEMBERS TO THE CITY OF DELTONA AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For;

Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Resolution No. 2014-33 was adopted at 9:43 p.m.

Michael Williams, 2889 Cottageville Drive, stated he wanted to point out this is not a new Committee for Deltona and Deltona once had a very effective AHAC Committee that allowed the City to receive State and Federal dollars and he hopes this will be set in place in short order.

Vice Mayor Herzberg stated the SHIP program had its wings clipped and the State raided the trust fund so that Tallahassee could fund its budget.

9. OLD BUSINESS: None.

10. NEW BUSINESS:

A. Request for approval to execute Amendment #1 to the Cost Share Agreement with the St. Johns River Water Management District for the Reclaimed Water Pumping and Storage Expansion Project.

Motion by Vice Mayor Herzberg, seconded by Commissioner Barnaby to approve and execute Amendment #1 of the Cost Share Agreement with the St. Johns River Water Management District for the Reclaimed Pumping and Storage Expansion project.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Request for approval to execute Amendment #1 to the Cost Share Agreement with the St. Johns River Water Management District for the Howland Blvd. Phase 3 Reclaimed Water Construction Project.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Barnaby, seconded by Commissioner Nabicht to approve and execute Amendment #1 to the Cost Share Agreement with the St. Johns River Water Management District for the Doyle Road Reclaimed Water Interconnect Project and the reclaimed portion of the Howland Blvd. Phase 3 Utility Relocate Project.

The Commission and staff discussed what the money is being spent on which is reclaimed storage at 122 acres, a pumping station and chlorination, it has already been bid, money is in the budget FY 2014/2015 match of \$725.

The second is a a one (1) year extension of the expansion of Howland Blvd. Phase 3 from Courtland to Walmart to four (4) lane the road, the County opened the bid a week ago but have not released the number yet, the numbers for intersection improvements at Howland and Ft. Smith and utility portion of the work are all within the budget amounts the Commission approved in September.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Bellizio, For; Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

11. CITY ATTORNEY COMMENTS: None.

12. CITY MANAGER COMMENTS:

Acting City Manager Dale Baker stated Purchasing Agent Kate Krauss asked that the scoring sheets for the City Manager search firm be turned in today and he asked if the Commission needed an extension to submit the score sheets. **The Commission concurred to provide the score sheets to staff before the next workshop.**

The Commission discussed the Commission's tally sheets referenced on Page 14 which does not exist, receiving the e-mail with the tally sheets on Thursday and them needing to be turned in on Friday, and if the tally sheets were important enough to make a decision at the 11th hour it should have been important enough to place a call when they were ready.

A. Lobbyist Update:

13. CITY COMMISSION COMMENTS:

a) Commissioner Barnaby questioned whether Mr. Baker has the authority to hire and fire and Mr. Baker replied yes. Commissioner Barnaby stated he is concerned with the e-mail that was provided from the Human Resources Director Tom Acquaro and he suggested Mr. Baker take a strong look at Mr. Acquaro's competence, the issue cannot be swept under the carpet, there being other systemic issues that have been floating around and Mr. Baker has his support.

b) Commissioner Denizac stated there comes a time where you only want to praise people, catch someone doing nice things, but we have to be accountable. The issue with the e-mail is totally appalling and it does not have to be put up with. If another employee had sent the e-mail, that employee would have been fired, Mr. Acquaro needs to be held accountable and if she could fire him it would be done tonight.

c) Commissioner Denizac stated that the e-mails and communications between the Acting City Manager and the Commission needs to be done, the agenda needs to be distributed on time, equipment in the Chambers needs to be working and these things need to be made right.

d) Commissioner Nabicht gave praise to Captain Brannon regarding the bomb threat at Pine Ridge High School. The Fire Chief is taking some positive and bold steps such as Deltona having a pink fire truck and the uniform shirts being pink for the day, participating in MDA and breast cancer awareness, there being a team effort to put on the Annual Fire Safety Day on November 2nd in conjunction with the pink fire truck tour. Last Thursday and Friday he was out of town attending the State of Florida Firefighters' Memorial in Ocala where a Lieutenant from Orange City who lost his life in the line of duty was honored. Three property owners dictated a response to question something the Commission workshopped thoroughly and he cautioned the Commission about letting a small number of people represent an industry as the Commission has a greater responsibility to the 86,000 people that are here

1 to make sure the City oversees and regulates that type of business within our city And he hopes the City
2 does not cut off our nose to spite our face when it revisits this. He has known Mr. Hutchins a long time,
3 worked with him on numerous properties where there were incidents and he cautioned the Commission
4 to move in an informed manner before they change this ordinance again.
5

6 e) Commissioner Bellizio stated the Commission is adamant and upset about the e-mail regarding
7 the employee, part of the culture is set forth by supervisors, but beyond that for me it falls on the
8 Commission as the speaking heads out in the public, the one thing that occurred that I hoped would not
9 is an allegation toward an individual and what if the email was doctored, we do not operate proper
10 decorum or at a higher level of professionalism, reserving judgment is something the Commission is not
11 good at, but he is. Once the individuals name was brought up the Commission lost a lot of credence
12 without an investigation.
13

14 f) Commissioner Schleicher stated something that was seen tonight was there were communication
15 problems, the agenda being received late, and on top of that around 7:30 p.m. she received a lot of calls
16 that the Latin Festival was supposed to be over per the website which stated the event ended at 7:00
17 p.m. Everything that goes out must be 100% as accurate as it can be and not just once in a while.
18

19 g) Vice Mayor Herzberg thanked Florida Hospital for hosting the Heart Healthy Womens Health
20 Conference, there was a lot of participation and she was proud to be a part of it. Wednesday night at
21 Athens Theater in DeLand will be a viewing of the River of Lakes Heritage Corridor DVD Also on
22 Wednesday there is a transition team meeting for the League of Cities and VCOG and lastly thanked
23 VSCO for the excitement of Air One looking for an individual near her home.
24

25 h) Mayor Masiarczyk asked the Commission to say move forward or opt out;
26

27 Girl Scouts need a place to meet, the group has no funds and he wants to work with Mr. Moore for a
28 location in the City if it is available and the Commission concurred.
29

30 Best City's for Successful Aging pledge, he has signed the pledge, provide opportunities for the older
31 adults to work in the City and do all we can in certain areas and lists Deltona as a City looking out for
32 the elderly and the Commission concurred.
33

34 Asking DSC to set land aside for us for future parks, talked about when the Commission talked about
35 building a stadium, and is there any objection to sending the letter, some money was set aside for grants
36 in the budget, the letter could be held another six months, and the Commission concurred to delay
37 sending the letter.
38

39 Gentleman requested to have his house, roof and driveway pressure cleaned, but he only uses less than
40 2500 gallons of water a month, the City has a waiver for filling a pool or has a crack and the last six
41 months is averaged so you only pay the water bill and this seems like it would qualify for the same
42 thing and the Commission concurred that would not work.
43

44 Volusia Charter Amendment petition form being requested by the Volusia County for vehicular access
45 to the beach and he distributed it to the Commission to do what they want with it.
46

47 He was invited by an employee to dinner in Orange City at United Methodist Church by Drew Dancy, it
48 is more of a concern than he thought, Deltona was not a City they had contact with, hoping the agency

1 will intercede and help a victim and take them to a location to be protected.

2
3 The homelessness issue is going to be a very interesting issue, but be careful; there is a lot of different
4 information and varied opinions that is one you want to study up on.

5
6 Commissioner Nabicht commented about 2 or 3 years ago Hector Garcia brought a program thru the
7 Florida Dept. of Law Enforcement Assoc. a class of what to look for or watch for, it was good training
8 for those staff out in the field, human trafficking happens in Florida and it is a significant issue
9 especially in south Florida. Mayor Masiarczyk commented a major push will be done during
10 Biketoberfest which is one of the worst times of the year.

11
12 **14. ADJOURNMENT:**

13
14 There being no further business, the meeting adjourned at 10:29 p.m.

15
16
17
18
19
20 _____
21 **John Masiarczyk Sr., Mayor**

22
23 **ATTEST:**

24
25
26 _____
27 **Janet Day, Deputy City Clerk**